



## DoD DIRECTIVE 5134.09

### MISSILE DEFENSE AGENCY

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**Originating Component:** Office of the Director of Administration and Management

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**Approved by:** Lloyd J. Austin, Secretary of Defense

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**Purpose:** This issuance establishes the mission, organization and management, administration, responsibilities and functions, relationships, and authorities of the Missile Defense Agency (MDA), pursuant to the authority vested in the Secretary of Defense by Sections 113, 191, and 205 of Title 10, United States Code (U.S.C.).

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## **SECTION 1: GENERAL ISSUANCE INFORMATION**

### **1.1. APPLICABILITY.**

This issuance applies to OSD, the Military Departments (MILDEPs), the Office of the Chairman of the Joint Chiefs of Staff (CJCS) and the Joint Staff, the Combatant Commands, the Office of Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this issuance as the “DoD Components”).

### **1.2. MISSION.**

The mission of MDA is to develop, deploy, and support a layered missile defense system (MDS) to defend the United States, its deployed forces, allies, and partners from missile attacks in all phases of flight.

### **1.3. ORGANIZATION AND MANAGEMENT.**

The MDA:

- a. Is established as a Defense Agency, pursuant to Section 191 of Title 10, U.S.C.
- b. Consists of a Director, MDA, who is under the authority, direction, and control of the Under Secretary of Defense for Research and Engineering (USD(R&E)), pursuant to Section 192 of Title 10, U.S.C. The Director, MDA exercises authority, direction, and control over the MDA and all assigned resources.
- c. Consists of a Deputy Director, MDA, pursuant to Section 205 of Title 10 U.S.C. The Deputy Director, MDA, will carry out such responsibilities as may be assigned by the Director; and serve as Acting Director during periods of absence by the Director or at such times as the office of the Director is vacant.
- d. Consists of such subordinate organizational elements established by the Director, MDA, within resources assigned by the Secretary of Defense.

### **1.4. ADMINISTRATION.**

a. The Director, MDA, will be appointed for a term of six years by the President from among the general officers/flag officers on active duty in the Army, Navy, Air Force, Marine Corps, or Space Force pursuant to Section 205 of Title 10, U.S.C. The President has designated the position of Director, MDA as a position of importance and responsibility pursuant to Section 601 of Title 10, U.S.C., authorized to carry the grade of lieutenant general or vice admiral. The Director, MDA, is recommended to the President by the Secretary of Defense with the advice of the CJCS and the USD(R&E).

b. The Deputy Director, MDA will be appointed for a term of not fewer than two and not more than four years by the Secretary of Defense from among the general officers/flag officers on active duty in the Army, Navy, Air Force, Marine Corps, or Space Force pursuant to section 205 of Title 10, U.S.C. The officer selected to serve as Deputy Director will be from a different Military Service than the Military Service in which the Director serves.

c. The Secretaries of the MILDEPs assign active duty and reserve personnel to MDA in accordance with approved authorizations and established procedures for assignment to joint duty, and provide facilities, logistics, and administrative support, as required, for MDA's effective operation.

## **1.5. QUALIFICATIONS REGARDING CANCELLATION.**

This issuance:

a. Incorporates and cancels DoD Directive (DoDD) 5134.09, "Missile Defense Agency (MDA)," September 17, 2009.

## SECTION 2: RESPONSIBILITIES AND FUNCTIONS

The Director, MDA:

- a. Plans, manages, and directs MDA, its subordinate elements, and all assigned resources.
- b. Manages the MDS and its elements as a single major defense acquisition program and defines programmatic policy for research and development of the MDS by using a non-standard acquisition and requirements process.
- c. Serves as the MDA Component Acquisition Executive.
- d. Maintains and directs a single development program for all work needed to design, develop, test, deploy, and sustain, as required, an integrated MDS.
- e. Develops an effective military capability to detect, track, intercept, and defeat ballistic and hypersonic missiles in all phases of flight against all ranges of threats.
- f. Allocates funds made available to the MDA for the development of MDS capabilities, procurement, and sustainment of MDS-specific mission equipment and initial spares for the lifecycle of MDS elements in accordance with established policy.
- g. Coordinates with the appropriate military construction entities for the construction of mission essential facilities and security infrastructure for MDS elements in collaboration and consistent with the host-Service infrastructure and facility requirements.
- h. Allocates funds made available to the MDA for the demilitarization and disposal of obsolete hardware in accordance with DoD Instruction (DoDI) 4160.28 for MDS programs.
- i. Plans and executes a threat-informed, capability-based acquisition approach and ensures logistics supportability is built into the MDS development and coordinated with the applicable lead MILDEP.
- j. Plans all MDS development and testing activities. Assures the suitability, effectiveness, and survivability of developed systems in coordination with the Director of Operational Test and Evaluation, the USD(R&E), and the Combatant Commander (CCDR) designated as the trans-regional missile defense lead within the CJCS Unified Command Plan.
- k. Establishes baseline capability and configuration of MDS elements, including the definition of interoperability standards for each MDS element. Establishes requirements and implements MDS configuration control and interoperability and data standards. Ensures compliance with interoperability standards for each MDS element.
- l. Performs actions for the MDS in accordance with DoDD 2060.01 when an issue of treaty compliance is identified.
- m. Supports studies, assessments, to include wargames, and training as requested by the CCDRs and the CJCS.

n. Develops and maintains a process to ensure the management, acquisition, integration, and interoperability of space systems in coordination with the Secretary of the Air Force through the Assistant Secretary of the Air Force for Space Acquisition and Integration.

o. Establishes and executes special access program activities to protect sensitive information and information networks in accordance with DoDD 5205.07, DoDD 5200.47, and DoDI 5200.39.

p. Ensures coordination, engagement, and integration across the offices of the Principal Staff Assistants and the DoD Components, other Federal agencies, international partners, and the defense industrial base on MDS matters.

q. Provides information and advice on matters related to the MDS to the offices of the Principal Staff Assistants and the DoD Components, other U.S. Government activities, and non-DoD research institutions, including national laboratories, private business entities, and educational institutions.

r. Serves on DoD boards, committees, and other groups concerning missile defense activities, functions, and responsibilities.

s. Manages MDA to improve standards of performance, economy, and efficiency, and demonstrates the MDA's responsiveness to the requirements of its organizational customers, both internal and external to the DoD.

t. Uses existing systems, facilities, and services of the DoD and other Federal departments and agencies, when possible, to avoid duplication and achieve maximum efficiency and effectiveness.

u. Participates in the periodic reviews pursuant to Section 192(c) of Title 10, U.S.C.

v. Engages with CJCS, CCDRs, Principal Staff Assistants, Secretaries of the MILDEPs, and DoD Component heads on all matters related to MDS under their respective purview, to include strategy, policy, operational architectures, requirements, support to MDS testing, and intelligence implications of defensive capabilities.

w. Supports the warfighter involvement process to establish required capabilities; evaluates technical, operational, and fielding features and approaches; and permits comparison and allocation of capabilities across all MDS elements.

x. Adopts an approach to the MDS that supports international participation to the extent practicable and consistent with applicable laws and international agreements.

y. Requests changes to DoD 7000.14-R through the Office of the Under Secretary of Defense (Comptroller)/Chief Financial Officer to accomplish assigned objectives consistent with applicable statutes, policies, and regulations.

z. Performs other duties as assigned by the Secretary of Defense, the Deputy Secretary of Defense, and the USD(R&E).

## **SECTION 3: RELATIONSHIPS**

### **3.1. DIRECTOR, MDA.**

The Director, MDA:

- a. Reports directly to the USD(R&E).
- b. Maintains appropriate liaison with the offices of the Principal Staff Assistants and the other DoD Components, the agencies and departments of the Executive Branch, State, local, and tribal government organizations, foreign governments, and international organizations to exchange information and integrate efforts on programs and activities related to assigned responsibilities.

### **3.2. PRINCIPAL STAFF ASSISTANTS AND DOD COMPONENT HEADS.**

Principal Staff Assistants and DoD Component heads coordinate with the Director, MDA, on matters under their purview related to the authorities, responsibilities, and functions assigned to the Director, MDA, in this issuance.

## SECTION 4: AUTHORITIES

### 4.1. GENERAL AUTHORITIES.

The Director, MDA:

- a. Prescribes policies to carry out the functions required to operate MDA, pursuant to Sections 191, 192, and 205 of Title 10, U.S.C.
- b. Communicates directly with the DoD Component heads and the offices of the Principal Staff Assistants, as necessary, to carry out assigned responsibilities and functions, including the transmission of requests for advice and assistance. Communications to the MILDEPs must be transmitted through the Secretaries of the MILDEPs, or as otherwise provided in law or directed by the Secretary of Defense in other DoD issuances. Communications to the CCDRs must be in accordance with DoDD 5100.01.
- c. Communicates with other Federal agencies and government officials, State and local officials, members of the public, and representatives of foreign governments, as appropriate, and in accordance with DoD policy, to carry out assigned responsibilities and functions. Communications with representatives of the Legislative Branch must be coordinated through the Office of the Assistant Secretary of Defense for Legislative Affairs, consistent with the DoD legislative program, except for communications with defense appropriations committees, which must be coordinated through the Under Secretary of Defense (Comptroller)/Chief Financial Officer..
- d. Obtains reports and information necessary to carry out assigned responsibilities and functions in accordance with DoDI 8910.01.
- e. Approves conferences, in accordance with the June 26, 2016 Assistant Deputy Chief Management Officer Memorandum.
- f. Directs, administers, and provides services to foreign governments under foreign military sales, pursuant to Sections 2151 and 2751 of Title 22, U.S.C., and in accordance with Defense Security Cooperation Agency Manual 5105.38-M.
- g. Negotiates and concludes international agreements, as necessary, with foreign governments and international organizations to execute allied and other participation in the MDS in accordance with DoDI 5530.03.
- h. Exercises foreign disclosure authority over MDA, MDS, and MDS-related classified military information and controlled unclassified information comprising all MDS programs and activities, and all MDA-partially or entirely-funded activities. The Director, MDA, serves as the Principal Disclosure Authority for the MDA and designates the Designated Disclosure Authority for the MDA in accordance with DoDD 5230.11.

i. Exercises original classification authority over information and activities of the developmental MDS, including all elements and components, and all other MDA-funded activities.

#### **4.2. HUMAN RESOURCES.**

a. Is delegated the authority to exercise the powers vested in the Secretary of Defense pursuant to Sections 3101 and 5101-5107 of Title 5, U.S.C., on the employment, direction, and general administration of MDA civilian personnel.

b. Administers oaths of office to those entering the DoD, or any other oath required by law in connection with employment therein, pursuant to Section 2903 of Title 5, U.S.C., and designates in writing, as necessary, the officers and employees of MDA to perform this function.

c. Establishes an MDA Incentive Awards Board and authorizes cash awards to, and incurs necessary expenses for the honorary recognition of, civilian employees of the government whose suggestions, inventions, superior accomplishments, or other personal efforts, including special acts or services, benefit or affect the MDA, or its subordinate activities, pursuant to Section 4503 of Title 5, U.S.C., applicable Office of Personnel Management regulations, and Volume 451 of DoDI 1400.25.

d. Uses advisory committees and employs temporary or intermittent experts or consultants, as approved by the Secretary of Defense or the Performance Improvement Officer/Director of Administration and Management, for the performance of MDA functions, pursuant to Sections 173 and 174 of Title 10, U.S.C., Section 3109 of Title 5, U.S.C., Chapter 10 of Title 5, U.S.C., and DoDIs 5105.04 and 5105.18.

e. Exercises approval authority, as the Component Acquisition Executive, over assignment of military personnel selected as program managers or deputy program managers for MDS elements; rates personnel and approves rating chains.

f. Authorizes and approves:

(1) Travel for military and civilian personnel assigned or detailed to the MDA, in accordance with the Joint Travel Regulations.

(2) Invitational travel to non-DoD personnel whose consultative, advisory, or other highly specialized technical services are required in a capacity that is directly related to or in connection with MDA activities, in accordance with the Joint Travel Regulations.

(3) Overtime work for MDA civilian personnel, pursuant to Section 5542 of Title 5, U.S.C., and Parts 550 and 551 of Title 5, Code of Federal Regulations.

(4) The expenditure of funds available for travel by military personnel assigned or detailed to the MDA for expenses incident to attending meetings of technical, scientific, professional, or other similar organizations with the approval of the SecDef or a designee, pursuant to Section 455 of Title 37, U.S.C.

(5) Waivers of indebtedness for MDA employees pursuant to Section 5584 of Title 5, U.S.C.

### **4.3. SECURITY.**

a. Designates positions within the MDA using the Defense Counterintelligence and Security Agency Position Designation Automated Tool. All positions will be assigned a designation using the criteria found in Parts 731, 732, and 1400 of Title 5, Code of Federal Regulations, and DoDI 5200.02, and will be documented in the Defense Civilian Personnel Data System, or other authorized DoD automated systems. The Defense Counterintelligence and Security Agency Position Designation Automated Tool will be used to assist in assigning a position designation, and to identify the background investigation required of the position.

b. Establishes and maintains an effective suitability and fitness determination program, in accordance with Volume 731 of DoDI 1400.25.

c. Allocates funds made available to the MDA for personal security investigations, adjudication, and recording of results to comply with the DoD Personnel Security Program in accordance with DoDI 5200.02.

d. Enforces requirements for prompt reporting of significant derogatory information, unfavorable administrative actions, and adverse actions to the appropriate personnel security, human resources, and counterintelligence official(s), as appropriate.

e. In accordance with Executive Orders (E.O.) 10450, 12333, 12968, and DoDI 5200.02, as appropriate:

(1) Authorizes, in exceptional circumstances, where official functions must be performed before the completion of an investigation and adjudication process, temporary access to a sensitive position in the MDA for a limited period to individuals for whom an appropriate investigation is underway.

(2) Initiates personnel security inquiries and, if necessary and in the interest of national security, suspends a security clearance for personnel assigned to, detailed to, or employed by the MDA. Any action under this paragraph will be taken in accordance with procedures prescribed in DoD Manual (DoDM) 5200.02.

(3) Grants interim clearances for up to TOP SECRET eligibility and access to classified information when the requirements of DoDM 5200.02 have been met.

(4) In the interest of national security and if necessary, suspends or terminates personnel assigned to, detailed to, or employed by the MDA. Any actions pursuant to this paragraph must be taken in accordance with procedures described in DoDM 5200.02.

f. Designates any position in the MDA as a “sensitive” position in accordance with E.O. 12968, and DoDI 5200.02.

g. Protects the security of MDA installations, activities, property, information, and personnel by appropriate means, including the publication of necessary security regulations, in accordance with DoDI 5200.08.

h. Establishes and maintains an insider threat program and complies with the requirements and minimum standards of DoDD 5205.16, to prevent, deter, detect, and mitigate the threat insiders may pose to DoD and U.S. Government installations, facilities, personnel, missions, or resources.

i. Establishes special security procedures for sensitive MDS work in coordination with the appropriate DoD Components.

#### **4.4. PUBLICATIONS AND RECORDS.**

a. Authorizes the publication of advertisements, notices, or proposals in newspapers, magazines, or other public periodicals as required for the effective administration and operation of the MDA, pursuant to Section 3702 of Title 44, U.S.C.

b. Exercises clearance authority for public release of official developmental MDS information. Undertakes appropriate security and policy review of such information, consistent with DoDI 5230.29. Authority for MDS elements beyond the developmental stage must be as specified in applicable memorandum of agreements.

c. Establishes and maintains, for the functions assigned, an appropriate internal publications system for the promulgation of regulations, instructions, and reference documents, and changes thereto, in accordance with DoDI 5025.01.

d. Maintains an official seal and attests to the authenticity of official records under that seal.

e. Develops, establishes, and maintains an active and continuing records management program, pursuant to Section 3102 of Title 44, U.S.C., and in accordance with DoDI 5015.02.

#### **4.5. ACQUISITION, PROCUREMENT, FINANCIAL MANAGEMENT, AND PROPERTY.**

a. Establishes MDA facilities using appropriate existing physical facilities and services of other DoD Components whenever possible to achieve maximum efficiency and economy.

b. Uses the government-wide purchase card for making appropriate purchases of material and services, other than personal services, for the MDA when it is determined more advantageous and consistent with the best interests of the U.S. Government.

c. Enters into interdepartmental and intragovernmental support agreements, as the receiver or supplier, with the other DoD Components, non-DoD Federal Government departments and agencies, as to the extent permitted by law, State, local, and tribal governments, as required, for

the effective performance of the Director, MDA responsibilities and functions, pursuant to Section 1535 of Title 31, U.S.C., and when applicable in accordance with DoDI 4000.19.

d. Enters into and administers contracts directly or through a MILDEP, a DoD contract administration services component, or other Federal agency, as appropriate, for supplies, equipment, and services required to accomplish the MDA's mission.

e. Serves as the head of an agency and contracting activity and, as such, acts as the MDA senior procurement executive within the meaning and limitations of Subpart 2.1 of the Federal Acquisition Regulation, Subpart 202.101 of the Defense Federal Acquisition Regulation Supplement, and in accordance with DoDI 5000.66.

f. Establishes and maintains appropriate property accounts for the MDA and appoints boards of survey, approves reports of survey (or financial liability investigations of property loss), relieves personal liability, and drops accountability for MDA property contained in the authorized property accounts that have been lost, damaged, stolen, destroyed, or otherwise rendered unserviceable, in accordance with applicable laws and regulations.

g. Leases property under the control of the MDA, under terms that promote the national defense or that are in the public interest, pursuant to Section 2667 of Title 10, U.S.C., and applicable DoD policy.

h. Conducts environmental analyses in support of MDA development, testing, and deployments. Approves environmental impact statements, environmental analyses, and categorical exclusions.

i. Enters into and administer grants, cooperative agreements, and other authorized transactions with any agency, university, nonprofit corporation, or other organization to perform or support mission-related work, and establishes MDA procedures pursuant to Sections 4001 and 4021 of Title 10, U.S.C.

j. Uses transactions other than contracts, grants, and cooperative agreements to perform basic, applied, and advanced research or to carry out certain prototype projects pursuant to Sections 4021 and 4022 of Title 10, U.S.C.

k. Buys equipment to support experimentation and test of supplies development which are needed for national defense, pursuant to Section 4023 of Title 10, U.S.C., which may result in contracts or other authorized instruments.

l. Exercises the authority delegated to the Secretary of Defense by the Administrator of the General Services Administration under Federal Management Regulation 102-75.1055 for the disposal of surplus personal property.

#### **4.6. DELEGATION OF AUTHORITIES.**

The Deputy Director, MDA:

- a. Carries out such responsibilities as may be assigned by the Director.
- b. Serves as Acting Director during periods of absence by the Director or at such times as the office of the Director is vacant.

## GLOSSARY

### G.1. ACRONYMS.

| <b>ACRONYM</b> | <b>MEANING</b>  |
|----------------|---|
| CCDR           | Combatant Commander                                     |
| CJCS           | Chairman of the Joint Chiefs of Staff                   |
| DoDD           | DoD directive   |
| DoDI           | DoD instruction   |
| DoDM           | DoD manual  |
| E.O.           | Executive order   |
| MDA            | Missile Defense Agency                                  |
| MDS            | missile defense system                                  |
| MILDEP         | Military Department                                     |
| U.S.C.         | United States Code                                      |
| USD(R&E)       | Under Secretary of Defense for Research and Engineering |

## REFERENCES

- Assistant Deputy Chief Management Officer Memorandum, “Department of Defense Conference Guidance Version 4.0,” June 26, 2016
- Code of Federal Regulations, Title 5
- Defense Federal Acquisition Regulation Supplement, current edition
- Defense Security Cooperation Agency Manual 5105.38-M, “Security Assistance Management Manual,” October 3, 2003
- Deputy Secretary of Defense Memorandum, “Ballistic Missile Defense System (BMDS) Life Cycle Management Process,” September 25, 2008
- Deputy Secretary of Defense Memorandum, “Funding Responsibilities for Ballistic Missile Defense System (BMDS) Elements,” June 10, 2011
- Directive-type Memorandum 20-002, “Missile Defense System Policies and Governance,” March 13, 2020, as amended
- DoD 7000.14-R, “Department of Defense Financial Management Policy,” dates vary by volume
- DoD Directive 2060.01, “Implementation of, and Compliance with, Arms Control Agreements,” June 23, 2020
- DoD Directive 5100.01, “Functions of the Department of Defense and Its Major Components,” December 21, 2010, as amended
- DoD Directive 5205.07, “Special Access Program (SAP) Policy,” July 1, 2010, as amended
- DoD Directive 5205.16, “The DoD Insider Threat Program,” September 30, 2014, as amended
- DoD Directive 5230.11, “Disclosure of Classified Military Information to Foreign Governments and International Organizations,” November 7, 2023
- DoD Instruction 1400.25, Volume 451, “DoD Civilian Personnel Management System: Awards,” November 4, 2013, as amended
- DoD Instruction 1400.25, Volume 731, “DoD Civilian Personnel Management System: Suitability and Fitness Adjudication for Civilian Employees,” August 24, 2012, as amended
- DoD Instruction 4000.19, “Support Agreements,” December 16, 2020
- DoD Instruction 4160.28, “DoD Demilitarization Program,” November 30, 2022
- DoD Instruction 5000.66, “Defense Acquisition Workforce Education, Training, Experience, and Career Development Program,” July 27, 2017, as amended
- DoD Instruction 5015.02, “DoD Records Management Program,” February 24, 2015, as amended
- DoD Instruction 5025.01, “DoD Issuances Program,” August 1, 2016, as amended
- DoD Instruction 5105.04, “Department of Defense Federal Advisory Committee Management Program,” August 6, 2007
- DoD Instruction 5105.18, “DoD Intergovernmental and Intragovernmental Committee Management Program,” July 10, 2009, as amended
- DoD Instruction 5200.02, “DoD Personnel Security Program (PSP),” March 21, 2014, as amended

DoD Instruction 5200.08, “Security of DoD Installations and Resources and the DoD Physical Security Review Board (PSRB),” December 10, 2005, as amended  
DoD Instruction 5200.39, “Critical Program Information (CPI) Identification and Protection Within Research, Development, Test, and Evaluation (RDT&E),” May 28, 2015, as amended  
DoD Instruction 5230.29, “Security and Policy Review of DoD Information for Public Release,” August 13, 2014, as amended  
DoD Instruction 5530.03, “International Agreements,” December 4, 2019  
DoD Instruction 8910.01, “DoD Implementation of the Paperwork Reduction Act,” December 5, 2022  
DoD Manual 5200.02, “Procedures for the DoD Personnel Security Program (PSP),” April 3, 2017, as amended  
Executive Order 10450, “Security Requirements for Government Employment,” April 27, 1953, as amended  
Executive Order 12333, “United States Intelligence Activities,” December 4, 1981, as amended  
Executive Order 12968, “Access to Classified Information,” August 2, 1995, as amended  
Federal Acquisition Regulation, current edition  
Federal Management Regulation 102-75.1055  
Joint Travel Regulations, current edition  
Office of the Chairman of the Joint Chiefs of Staff, “Unified Command Plan,” current edition<sup>1</sup>  
Secretary of Defense Memorandum, “Missile Defense Program Direction,” January 2, 2002  
United States Code, Title 5  
United States Code, Title 10  
United States Code, Title 22  
United States Code, Title 31, Section 1535  
United States Code, Title 37, Section 455  
United States Code, Title 44

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<sup>1</sup> Available in the Federal Register at <https://www.federalregister.gov/documents/2023/04/28/2023-09182/2022-unified-command-plan>